

BEFORE THE GROWTH MANAGEMENT HEARINGS BOARD
CENTRAL PUGET SOUND REGION
STATE OF WASHINGTON

YOUR SNOQUALMIE VALLEY, DAVE
EIFFERT, WARREN ROSE, and ERIN
ERICSON,

Petitioners,

v.

CITY OF SNOQUALMIE,

Respondent,
and,

SNOQUALMIE MILL VENTURES, LLC and
ULTIMATE RALLY, LLC,

Intervenors.

CASE NO. 11-3-0012

ORDER FINDING COMPLIANCE
[Re: Resolution 1115]

I. BACKGROUND

On May 8, 2012, the Board issued its Final Decision and Order (FDO) in this case. The FDO provided, in relevant part:

- 1) The City of Snoqualmie's adoption of Resolution 1115 was **clearly erroneous** and **does not comply** with the requirements of RCW 36.70A.120 in that the City did not take action in conformity with its Comprehensive Plan, particularly the Annexation Policies contained in Element 8. The Board **remands** Resolution 1115 to the City to take action to comply with the GMA as set forth in this Order.
- ...
- 5) In adopting Ordinance No. 1086 and Resolution 1115, the City **failed to comply** with RCW 36.70A.106. The Board **remands** Ordinance 1086 and Resolution 1115 to the City of Snoqualmie to be submitted to the Department of Commerce for review and comment pursuant to RCW 36.70A.106. Following the 60-day review period (or shorter time if expedited review is

1 granted), the City shall file a **Statement of Actions Taken to Comply**,
2 indicating the City's actions in response to agency comments, if any. As to
3 Ordinance 1086, if no comments are received, the Board will thereafter issue
4 an order of compliance without further hearing.¹

5 On August 7, 2012, the Board received Respondent City of Snoqualmie's Motion for
6 Expedited Compliance Hearing and Compliance Report Re: Resolution 1115. The City
7 provided documentation of its actions taken to comply and requested an expedited
8 compliance hearing pursuant to WAC 242-03-910. Accordingly, the Board set an
9 accelerated compliance hearing schedule. The Petitioners chose not to contest the City's
10 compliance actions and did not attend the Compliance Hearing. The Compliance Hearing
11 was convened telephonically on September 11, 2012. Present for the Board were Margaret
12 Pageler, Presiding Officer, and Board members William Roehl and Cheryl Pflug. The City
13 was represented by its attorney, Patrick B. Anderson. The Intervenor was represented by its
14 attorney, Allison Moss.²

17 II. BOARD DISCUSSION

18 RCW 36.70A.120 provides:

19 Each county and city that is required or chooses to plan under RCW 36.70A.040
20 shall perform its activities and make capital budget decisions in conformity with
21 its comprehensive plan.

22 RCW 36.70A.106 provides:

23 (1) Each county and city proposing adoption of a comprehensive plan or
24 development regulations under this chapter shall notify the department
25 [Commerce] of its intent to adopt such plan or regulation at least sixty days
26 prior to final adoption.

27 The Board's FDO found Resolution 1115, the Preannexation Agreement, did not comply
28 with RCW 36.70A.120 because the Agreement was inconsistent with the City's annexation
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31 ¹ The City has previously documented its compliance with RCW 36.70A.106 with respect to its preannexation
32 zoning – Ordinance 1086. The Board on July 18, 2012, issued its Order Finding Compliance Re: Ordinance
1086.

² Liz Harvey provided court reporting services.

1 policies. The City's annexation policies require a detailed annexation implementation plan
2 prior to City Council approval of an annexation. The Preannexation Agreement deferred
3 preparation of the annexation implementation plan in violation of the policies.³ The FDO also
4 ruled that adoption of Resolution 1115 did not comply with RCW 36.70A.106 because the
5 City had failed to submit it to the Department of Commerce as a de facto comprehensive
6 plan amendment.⁴
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8 In adopting Resolution 1159, the City of Snoqualmie amended its annexation policies to
9 eliminate the inconsistency between the policies and the Preannexation Agreement.
10 Resolution 1159 amends the annexation policies by adding a new Policy 2.B.2.11. This new
11 policy allows the deferral of the annexation implementation plan "when a proposed
12 annexation is not accompanied by a development proposal that would allow meaningful
13 consideration of the topics which must be addressed in an annexation implementation plan."
14 The Preannexation Agreement specifies that there is no development proposed for the
15 Weyerhaeuser Mill Property, thus, consistent with Policy 2.B.2.11, the annexation
16 implementation plan may be deferred.⁵ The Board finds and concludes the City has taken
17 the necessary action to bring its adoption of Resolution 1115 into compliance with RCW
18 36.70A.120 as required by the FDO.
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22 The City submitted the proposed annexation policies amendment to the Department of
23 Commerce for 60-day review, as required by RCW 36.70A.106(3),⁶ and received no
24 comment from the agency. The Board finds and concludes the City has taken the necessary
25 action to bring its adoption of the Preannexation Agreement into compliance with RCW
26 36.70A.106 as required by the FDO.
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28 The Board therefore issues an Order Finding Compliance Re: Resolution 1115.
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31 ³ FDO at 25-28.

32 ⁴ FDO at 11

⁵ The Board notes Policy 2.B.2.11 is narrowly worded to limit the exception.

⁶ Compliance Report Ex. 1.

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III. ORDER

Based upon review of the May 8, 2012 FDO, the Respondent City of Snoqualmie's Motion for Expedited Compliance Hearing and Compliance Report Re: Resolution 1115, the GMA, Board Rules and case law, the Board ORDERS:

- By adoption of Resolution 1159 amending Comprehensive Plan annexation policies and adding a new policy 8.B.2.11, the City cured the inconsistency between the preannexation agreement approved by Resolution 1115 and the comprehensive plan annexation policies under Objective 2.B.2. By this action, the City **complied** with the requirements of RCW 36.70A.120, as set forth in the Board's May 8, 2012 FDO.
- By submitting Notice of Proposed Amendment to the Department of Commerce for review, the City of Snoqualmie **complied** with the requirements of RCW 36.70A.106 as to Resolution 1115, as set forth in the Board's May 8, 2012 FDO.
- The Board therefore enters a **Finding of Compliance for the City of Snoqualmie Re: Resolution 1115 [Pre-annexation Agreement]**.
- GMHB Case No. 11-3-0012, *Your Snoqualmie Valley v. City of Snoqualmie*, is **closed**.

Dated this 12th day of September, 2012.

William P. Roehl, Board Member

Margaret A. Pageler, Board Member

Cheryl Pflug, Board Member